

**U.S. District Court [LIVE]
Western District of Texas (Austin)
CRIMINAL DOCKET FOR CASE #: 1:12-cr-00401-SS-1**

Case title: USA v. Jayne

Other court case number: 1:16-cv-754-SS

Magistrate judge case number: 1:12-mj-00622-AWA

Date Filed: 10/16/2012

Date Terminated: 06/22/2018

Assigned to: Judge Sam Sparks

Defendant (1)

Michael Aaron Jayne

TERMINATED: 06/22/2018

represented by **Michael Aaron Jayne**

74636-065

OTISVILLE

FEDERAL CORRECTIONAL INSTITUTION

Inmate Mail/Parcels

P.O. BOX 1000

OTISVILLE, NY 10963

PRO SE

Duty Pub. Defender-Austin

Office of the Federal Public Defender

Austin Division

504 Lavaca St., Suite 960

Austin, TX 78701

(512) 916-5025

Fax: (512) 916-5035

Email: norma_g_medrano@fd.org

TERMINATED: 06/24/2016

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or Community

Defender Appointment

David M.C. Peterson

TERMINATED Federal Public Defender's Office

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Austin, TX 78701

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TERMINATED: 08/28/2017
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Stephen M Orr
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TERMINATED: 03/13/2013
LEAD ATTORNEY
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Designation: Retained

William H. Ibbotson
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Austin, TX 78701
(512) 916-5025
Fax: 512/916-5035
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TERMINATED: 12/07/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community
Defender Appointment

Pending Counts

18:922G.F & 924(a)(2) FELON
IN POSSESSION OF
FIREARMS
(1)

Highest Offense Level
(Opening)

Felony

Terminated Counts

18:922G.F & 924(a)(2) FELON
IN POSSESSION OF
AMMUNITION
(2)

Highest Offense Level
(Terminated)

Disposition

Imprisonment 120 months; Supervised Release 3
years; Special Assessment \$100.00; No Fine.

Disposition

Dismissed on Government's Motion.

Felony

Complaints

Disposition

18:922G.F Possession of a
Firearm by a Felon

Plaintiff

USA

represented by **Ashley Chapman Hoff – AUSA**
FORMER AUSA
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(512) 916-5858
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/03/2012	<u>1</u>	COMPLAINT Signed by Judge Andrew W. Austin as to Michael Aaron Jayne (1). (af) [1:12-mj-00622-AWA] (Entered: 10/03/2012)
10/03/2012	<u>2</u>	Arrest Warrant Issued by Judge Andrew W. Austin as to Michael Aaron Jayne. (af) [1:12-mj-00622-AWA] (Entered: 10/03/2012)
10/05/2012		Arrest of Michael Aaron Jayne in the District of Oregon, Portland Division. (kkc) (Entered: 10/17/2012)

10/16/2012	<u>3</u>	INDICTMENT (Redacted Version) with Notice of Forfeiture included as to Michael Aaron Jayne. Unredacted document sealed pursuant to E-Government Act of 2002 as to Michael Aaron Jayne (1) count(s) 1, 2. (Attachments: # <u>1</u> Personal Data Sheet) (kkc) (Entered: 10/17/2012)
10/17/2012	<u>4</u>	Rule 5(c)(3) Documents Received as to Michael Aaron Jayne. (kkc) (Entered: 10/17/2012)
10/17/2012	<u>5</u>	ORDER OF DETENTION: as to Michael Aaron Jayne. Signed by Magistrate Judge Janice M. Stewart. (kkc) (Entered: 10/17/2012)
11/15/2012	<u>6</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER William H. Ibbotson for Michael Aaron Jayne. Signed by Judge Mark Lane. (klw) (Entered: 11/15/2012)
11/15/2012	<u>7</u>	ORDER re: financial affidavit as to Michael Aaron Jayne. Signed by Judge Mark Lane. (klw) (Entered: 11/15/2012)
11/15/2012	<u>8</u>	NOTICE OF HEARING as to Michael Aaron Jayne: Arraignment set for 11/21/2012 10:30 AM before Judge Andrew W. Austin (klw) (Entered: 11/15/2012)
11/20/2012	<u>9</u>	Waiver of personal appearance at Arraignment, plea of not guilty by Michael Aaron Jayne (Ibbotson, William) (Entered: 11/20/2012)
11/20/2012	<u>10</u>	Order Accepting Waiver of Personal Appearance at Arraignment and Entry of Plea of Not Guilty by Michael Aaron Jayne. Signed by Judge Andrew W. Austin. (klw) (Entered: 11/20/2012)
11/27/2012	<u>11</u>	Order Concerning Discovery, Pre-Trial Motions & Settings as to Michael Aaron Jayne: Status Conference / Motion Hearing set for 12/20/2012 09:00 AM before Judge Sam Sparks; Motions due by 12/11/2012; Plea Agreement due by 12/20/2012; Jury Selection / Trial set for 1/7/2013 09:00AM before Judge Sam Sparks. Signed by Judge Sam Sparks. (klw) (Entered: 11/27/2012)
12/04/2012	<u>12</u>	MOTION to Substitute Attorney by Michael Aaron Jayne. (Orr, Stephen) (Entered: 12/04/2012)
12/07/2012	<u>13</u>	ORDER GRANTING <u>12</u> Motion to Substitute Attorney Stephen Orr in place of Bill Ibbotson as to Michael Aaron Jayne (1). Signed by Judge Sam Sparks. (klw) (Entered: 12/07/2012)
12/07/2012		Attorney William H. Ibbotson terminated as to Michael Aaron Jayne. (klw) (Entered: 12/07/2012)
12/11/2012	<u>14</u>	MOTION in Limine by Michael Aaron Jayne. (Orr, Stephen) (Entered: 12/11/2012)
12/11/2012	<u>15</u>	MOTION for Notice of Intent to use Evidence <i>Under 12(b)4 and Incorporated Memorandum of Law</i> by Michael Aaron Jayne. (Orr, Stephen) (Entered: 12/11/2012)
12/11/2012	<u>16</u>	MOTION <i>for Notice Under Fed. R. Evid. 404(b)(2) and Combined Memorandum of Law</i> by Michael Aaron Jayne. (Orr, Stephen) (Entered: 12/11/2012)
12/14/2012	<u>17</u>	ORDER as to Michael Aaron Jayne (Rearraignment and Plea set for 12/18/2012 at 10:00 AM before Judge Mark Lane). Signed by Judge Mark Lane. (kkc) (Entered: 12/14/2012)
12/18/2012	<u>18</u>	PLEA AGREEMENT as to Michael Aaron Jayne (Plea agreement documents are not available electronically.) (kkc) (Entered: 12/18/2012)

12/18/2012	<u>19</u>	Consent to administration of guilty plea and Rule 11 Allocation by a United States Magistrate Judge by Michael Aaron Jayne. (kkc) (Entered: 12/18/2012)
12/18/2012	<u>20</u>	Order of Referral to U.S. Magistrate on felony guilty plea as to Michael Aaron Jayne. Signed by Judge Sam Sparks. (kkc) (Entered: 12/18/2012)
12/18/2012	<u>21</u>	Minute Entry for proceedings held before Judge Mark Lane: Rearrangement held on 12/18/2012; Defendant Informed of Rights. Plea agreement disclosed in open court. Plea of guilty entered as to Michael Aaron Jayne (1) Count 1; Referred to Probation for Presentence Report (Minute entry documents are not available electronically.) (Court Reporter ERO.) (kkc) (Entered: 12/18/2012)
12/18/2012	<u>22</u>	WAIVER of Rule 32 Time Limits by Michael Aaron Jayne. (kkc) (Entered: 12/18/2012)
12/18/2012	<u>23</u>	FINDINGS OF FACT AND RECOMMENDATION on felony guilty plea before the United States Magistrate Judge as to Michael Aaron Jayne. Signed by Judge Mark Lane. (kkc) (Entered: 12/18/2012)
01/14/2013	<u>24</u>	MOTION to Dismiss <i>Property from Notice of Demand for Forfeiture</i> by USA as to Michael Aaron Jayne. (Castillo, Daniel) (Entered: 01/14/2013)
01/16/2013	<u>25</u>	ORDER GRANTING <u>24</u> Motion to Dismiss Property from Notice of Demand for Forfeiture as to Michael Aaron Jayne (1). Signed by Judge Sam Sparks. (kkc) (Entered: 01/16/2013)
01/17/2013	<u>26</u>	ORDER Setting Sentencing as to Michael Aaron Jayne (Sentencing set for 3/8/2013 at 9:00 AM before Judge Sam Sparks). Signed by Judge Sam Sparks. (kkc) (Entered: 01/17/2013)
01/17/2013	<u>27</u>	ORDER accepting re <u>23</u> Findings of Fact on Plea as to Michael Aaron Jayne. Guilty plea accepted. Signed by Judge Sam Sparks. (kkc) (Entered: 01/17/2013)
03/08/2013	<u>28</u>	Minute Entry for proceedings held before Judge Sam Sparks as to Michael Aaron Jayne: Defendant withdraws his plea of guilty on 3/8/2013. Sentencing not held. Court will provide a new scheduling order. (Minute entry documents are not available electronically.) (Court Reporter Lily Reznik.) (kkc) (Entered: 03/08/2013)
03/08/2013	<u>29</u>	SENTENCING EXHIBIT LIST as to Michael Aaron Jayne. (kkc) (Additional attachment(s) added on 7/27/2017: # <u>1</u> Court's Exhibit #1, # <u>2</u> Court's Exhibit #2) (td). (Entered: 03/08/2013)
03/11/2013	<u>30</u>	ORDER Allowing Withdrawal of Plea of Guilty as to Michael Aaron Jayne. Signed by Judge Sam Sparks. (kkc) (Entered: 03/11/2013)
03/11/2013	<u>31</u>	ORDER as to Michael Aaron Jayne (Rearrangement and Plea/Sentencing set for 3/13/2013 at 9:00 AM before Judge Sam Sparks). Signed by Judge Sam Sparks. (kkc) (Entered: 03/11/2013)
03/13/2013	<u>32</u>	Minute Entry for proceedings held before Judge Sam Sparks: Rearrangement held on 3/13/2013; Defendant Informed of Rights. Plea of guilty entered as to Michael Aaron Jayne (1) Count 1; Guilty Plea Accepted by Court; Referred to Probation for Presentence Report; (Minute entry documents are not available electronically.) (Court Reporter Lily Reznik.) (kkc) (Entered: 03/13/2013)
03/13/2013	<u>33</u>	PLEA AGREEMENT as to Michael Aaron Jayne (Plea agreement documents are not available electronically.) (kkc) (Entered: 03/13/2013)

03/13/2013	<u>34</u>	Minute Entry for proceedings held before Judge Sam Sparks: Sentencing held on 3/13/2013 for Michael Aaron Jayne (1), Count(s) 1. Court accepts plea agreement. Imprisonment 120 months; Supervised Release 3 years; Special Assessment \$100.00; No Fine. (Minute entry documents are not available electronically.) (Court Reporter Lily Reznik.) (kkc) (Entered: 03/13/2013)
03/13/2013	<u>35</u>	Right to Appeal Letter as to Michael Aaron Jayne. (kkc) (Entered: 03/13/2013)
03/13/2013		SEALED PRESENTENCE INVESTIGATION REPORT placed under seal as to Michael Aaron Jayne. (kkc) (Entered: 03/13/2013)
03/13/2013	<u>36</u>	JUDGMENT AND COMMITMENT as to Michael Aaron Jayne. Signed by Judge Sam Sparks. (kkc) (Entered: 03/13/2013)
03/13/2013	<u>37</u>	Sealed Statement of Reasons as to Michael Aaron Jayne (SOR documents are not available electronically.) (kkc) (Entered: 03/13/2013)
05/23/2013	<u>38</u>	Judgment and Commitment Returned Executed as to Michael Aaron Jayne on 4/25/2013. (kkc) (Entered: 05/23/2013)
06/26/2013	<u>39</u>	MOTION to Dismiss Counts by USA as to Michael Aaron Jayne. (Hoff, Ashley) (Entered: 06/26/2013)
06/28/2013		Sealed PSI as to Michael Aaron Jayne returned to Probation Office. (kkc) (Entered: 07/01/2013)
07/08/2013	<u>40</u>	ORDER GRANTING <u>39</u> Motion to Dismiss Count 2 as to Michael Aaron Jayne (1). Signed by Judge Sam Sparks. (kkc) (Entered: 07/10/2013)
10/31/2013	<u>41</u>	Exhibit Letter to USA as to Michael Aaron Jayne instructing parties to pick up their exhibits. (kkc) (Entered: 10/31/2013)
10/31/2013	<u>42</u>	EXHIBIT RECEIPT by USA as to Michael Aaron Jayne. (kkc) (Entered: 10/31/2013)
04/14/2016	<u>45</u>	Standing Order pursuant to Johnson v. United States appointing Federal Public Defender as to Michael Aaron Jayne. Signed by Judge Sam Sparks. (os) (Entered: 04/26/2016)
04/29/2016	<u>46</u>	Letter by Michael Aaron Jayne re: request for 2255 form with In forma Pauperis Application. (os) (Entered: 04/29/2016)
04/29/2016	<u>47</u>	Letter to Michael Aaron Jayne: Mailing copy of <u>44</u> returned mail and <u>45</u> Standing Appointment Order. (os) (Entered: 04/29/2016)
06/20/2016	<u>48</u>	TRANSCRIPT filed of Proceedings as to Michael Aaron Jayne held on March 8, 2013 Proceedings Transcribed: Withdrawal of Plea. Court Reporter/Transcriber Lily I. Reznik, Telephone number 512-391-8792. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. Redaction Request due 7/11/2016, Redacted Transcript Deadline set for 7/21/2016, Release of Transcript Restriction set for 9/19/2016, (Reznik, Lily) (Entered: 06/20/2016)
06/20/2016	<u>49</u>	

		TRANSCRIPT filed of Proceedings as to Michael Aaron Jayne held on March 13, 2013 Proceedings Transcribed: Rearraignment/Plea/Sentencing. Court Reporter/Transcriber Lily I. Reznik, Telephone number 512-391-8792. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. Redaction Request due 7/11/2016, Redacted Transcript Deadline set for 7/21/2016, Release of Transcript Restriction set for 9/19/2016, (Reznik, Lily) (Entered: 06/20/2016)
06/24/2016		Attorney Duty Pub. Defender-Austin terminated as to Michael Aaron Jayne., Attorney David M.C. Peterson for Michael Aaron Jayne added (ml) (Entered: 06/27/2016)
06/24/2016	<u>50</u>	MOTION to Vacate under 28 U.S.C. 2255 (Civil Action 1:16-cv-754-SS.) by Michael Aaron Jayne. (Attachments: # <u>1</u> Civil Cover Sheet)(ml) (Entered: 06/28/2016)
07/11/2016	<u>51</u>	LETTER, dated 07/06/2016, from Michael Aaron Jayne requesting a copy of the docket sheet. (ml) (Entered: 07/12/2016)
07/12/2016	<u>52</u>	LETTER, dated 07/12/2016 to Michael Aaron Jayne enclosing a copy of the docket sheet. (ml) (Entered: 07/12/2016)
07/28/2016	<u>53</u>	ORDER Staying Case as to Michael Aaron Jayne. Signed by Judge Sam Sparks. (ml) (Entered: 07/28/2016)
08/21/2017	<u>55</u>	MOTION to Withdraw as Attorney by Michael Aaron Jayne. (Peterson, David) (Entered: 08/21/2017)
08/28/2017		Text Order GRANTING <u>55</u> Motion to Withdraw as Attorney as to Michael Aaron Jayne (1) Entered by Judge Sam Sparks. (This is a text-only entry generated by the court. There is no document associated with this entry.) (tmj) (Entered: 08/28/2017)
08/28/2017		Attorney David M.C. Peterson terminated as to Michael Aaron Jayne. (jf) (Entered: 08/29/2017)
08/29/2017	<u>56</u>	ORDER Lifting Stayed Case and DENYING <u>50</u> Motion to Vacate (2255). Certificate of Appealability is DENIED as to Michael Aaron Jayne (1). Signed by Judge Sam Sparks. (jf) (Entered: 08/29/2017)
08/29/2017	<u>57</u>	JUDGMENT as to Michael Aaron Jayne. Signed by Judge Sam Sparks. (jf) (Entered: 08/29/2017)
05/17/2018	<u>58</u>	MOTION for DNA Testing Under Federal Innocence Act 3600 by Michael Aaron Jayne. (td) (Entered: 05/17/2018)
05/17/2018	<u>59</u>	MOTION to Appoint Counsel by Michael Aaron Jayne. (td) (Entered: 05/17/2018)
05/24/2018	<u>60</u>	ORDER as to Michael Aaron Jayne re <u>58</u> MOTION for DNA Testing Under Federal Innocence Act 3600 filed by Michael Aaron Jayne. Signed by Judge Sam Sparks. (td) (Entered: 05/24/2018)
06/14/2018	<u>61</u>	RESPONSE in Opposition by USA as to Michael Aaron Jayne re <u>58</u> MOTION for DNA Testing Under Federal Innocence Act 3600 filed by Defendant Michael Aaron Jayne (Guess, Daniel) (Entered: 06/14/2018)

06/22/2018	<u>62</u>	ORDER DENYING <u>58</u> Motion for DNA Testing as to Michael Aaron Jayne (1); DENYING <u>59</u> Motion to Appoint Counsel as to Michael Aaron Jayne (1). Signed by Judge Sam Sparks. (td) (Entered: 06/22/2018)
06/29/2018	<u>63</u>	REPLY TO RESPONSE to Motion by Michael Aaron Jayne re <u>58</u> MOTION for DNA Testing Under Federal Innocence Act 3600 filed by Defendant Michael Aaron Jayne (td) (Entered: 06/29/2018)
12/29/2020	<u>65</u>	Letter by Michael Aaron Jayne requesting to be admitted to RE-ENTRY Court in San Francisco, CA. (jv2) (Entered: 12/29/2020)
05/07/2024	<u>66</u>	Supervised Release Jurisdiction Transferred to Eastern District of California as to Michael Aaron Jayne signed by Judge James R. Nowlin. (cc3) (Entered: 05/07/2024)

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

OCT 16 2012

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY CLERK

UNITED STATES OF AMERICA

v.

MICHAEL AARON JAYNE

§
§
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§
§
§
§

A12 CR 401 SS

INDICTMENT

[Violations: (Ct 1) 18 U.S.C.
922(g)(1), Felon in Possession of a
Firearm; (Ct 2) 18 U.S.C. 922(g)(1),
Felon in Possession of Ammunition

THE GRAND JURY CHARGES THAT:

Count One

On or about June 28, 2012, in the Western District of Texas,

MICHAEL AARON JAYNE,

defendant herein, having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly and unlawfully possessed in and affecting interstate or foreign commerce, one or more firearms, namely:

- a Surplus Ammo & Arms Model LOW 15 semiautomatic rifle, SN SA25125,
- a Smith & Wesson Model SW9VE semiautomatic handgun, SN DTF4447,

in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

Count Two

On or about June 25, 2012, in the Western District of Texas,

MICHAEL AARON JAYNE,

defendant herein, having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly and unlawfully possessed in and affecting interstate or foreign commerce, ammunition, namely:

-20 rounds of Winchester .223 caliber ammunition,

in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

NOTICE OF GOVERNMENT'S DEMAND FOR FORFEITURE

Upon conviction of the offense alleged in Counts One and/or Two of the Indictment, the defendant, **MICHAEL AARON JAYNE**, shall forfeit to the United States all right, title and interest in all firearms and ammunition involved in the commission of said offense(s), including, but not limited to, the following:

1. a Surplus Ammo & Arms Model LOW 15 semiautomatic rifle, SN SA25125,
2. a Smith & Wesson Model SW9VE semiautomatic handgun, SN DTF4447,
3. all magazines and ammunition(including both 9mm and .223 cartridges) recovered pursuant to Austin Police Department Offense Number 2012-1800523, which gave rise to the indictment;

All pursuant to Title 18, United States Code, Section 924(d), 3665, and Title 28, United States Code, Section 2461(c).


A TRUE BILL:

ORIGINAL SIGNATURE
REDACTED PURSUANT TO
E-GOVERNMENT ACT OF 2002

RY

ROBERT PITMAN
United States Attorney

By:



Ashley C. Hoff
Assistant United States Attorney

A12CR 401 SS

Sealed _____

Unsealed X

Personal Data Sheet

USAO# 2012R18565 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXASRELATED CASE X YES NO RELATED CASE NO. A-12-M-622 County: Travis AUSTIN Division _____ Judge: _____Date: 10/16/2012 Mag Ct.# A-12-M-622 SSN: Redacted FBI#: Redacted Case No.: A-12-CR- Assistant U. S. Attorney: Ashley C. Hoff Defendant: MICHAEL AARON JAYNE Date of Birth: REDACTED

Defendant aka: _____

Address: _____

Citizenship: United States X Mexican Other Interpreter Needed: Yes No X Language _____

Defense Attorney: _____ Employed _____

Address of Attorney: _____ Appointed _____

Defendant is: In Jail X Where: USMS District of Oregon/on A-12-M-622 warrant On Bond Amt. of Bond _____ Where: _____Date of Arrest: 10/05/2012 Bench Warrant Needed No Prosecution By: Information Indictment X Offense (Code & Description): Ct. 1 and 2: 18 U.S.C. 922(g)(1)(firearms and ammunition) Offense Is: Felony X Misdemeanor Maximum Sentence: Ct. 1 and 2: max. of 10 yrs/\$250,000 fine, 3 yrs SR Case Agent: Armando Balderama, APD 512-799-7330 Penalty is Mandatory: Yes X as to \$100 SA ONLY No

RECEIVED

OCT 17 2012
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

UNITED STATES DISTRICT COURT

Office of the Clerk
District of Oregon
740 United States Courthouse
1000 S.W. Third Avenue, Portland, Oregon 97204-2902
(503) 326-8003/8008

FILED

OCT 17 2012

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

MARY MORAN
Clerk of Court

SUSAN KIM
Chief Deputy Clerk

October 12, 2012

United States Courthouse
200 West Eighth Street
Austin, TX 78701

1:12-cr-401(1)-SS

SUBJECT: USA v. Michael Aaron Jayne, Ptld Case 3:12-mj-00155, Texas Case 1:12-mj-622-AWA-1

Dear Clerk:

Pursuant to the Commitment to Another District signed by US Magistrate Judge Janice M. Stewart on October 11, 2012, enclosed are certified copies of our entire court file along with a certified copy of the docket sheet. Please date-stamp the enclosed copy of this letter and return it to our office.

Thank you for your assistance in this matter.

Sincerely,

MARY L. MORAN, CLERK OF COURT

[Signature]

By P. Scheneman, Deputy Clerk

cc: Counsel
US Marshal
Pretrial Services
File

CUSTODY, TERMINATED,

**U.S. District Court
District of Oregon (Portland (3))
CRIMINAL DOCKET FOR CASE #: 3:12-mj-00155 All Defendants
Internal Use Only**

Case title: USA v. Jayne

Date Filed: 10/05/2012

Other court case number: A-12-M-622 USDC for the
Western District of Texas

Date Terminated: 10/11/2012

Assigned to: Unassigned

Defendant (1)

Michael Aaron Jayne

TERMINATED: 10/11/2012

represented by **Lisa Hay**

Assistant Federal Public Defender

101 S.W. Main Street

Suite 1700

Portland, OR 97204

(503) 326-2123

Fax: (503) 326-5524

Email: lisa_hay@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or

Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Certified to be a true and correct
copy of original filed in this District.
Dated 10-15-12
Mary L. Moran, Clerk of Court
US District Court of Oregon
By Deputy Clerk [Signature]
Pages 1 Through 3



Complaints

18:922(g)(1) - Possession of a
Firearm by a Felon

Disposition**Plaintiff**

USA

represented by **Jane H. Shoemaker**
U.S. Attorney's Office
District of Oregon
1000 S.W. Third Avenue
Suite 600
Portland, OR 97204
(503) 727-1118
Fax: (503) 727-1117
Email: jane.shoemaker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/05/2012		(Court only) Record of Arrest (Out of District Warrant) of Michael Aaron Jayne pursuant to Rule 5(c)(3). Complaint issued in Western District of Texas on 10/3/12. (cib) (Entered: 10/05/2012)
10/05/2012	<u>1</u>	Documents Received From Other Court as to Michael Aaron Jayne Received Complaint from Western District of Texas. Their Magistrate Case No: A-12-M-622. (cib) (Entered: 10/05/2012)
10/05/2012	<u>2</u>	Minutes of Proceedings: First Appearance before Magistrate Judge Patricia Sullivan by Michael Aaron Jayne held on 10/5/2012. Defendant advised of rights. Order appointing FPD counsel. Attorney present: Lisa Hay for Michael Aaron Jayne. Defendants Location-Custody status is: Custody. Defendant ordered detained pending further hearing. Preliminary Examination is set for 10/11/2012 at 01:30 PM in Portland before Magistrate Judge Janice M. Stewart. Counsel Present for Plaintiff: Jane Shoemaker. Counsel Present for Defendant: Lisa Hay. (Court Reporter FTR- 11A) (jtj) (Entered: 10/05/2012)
10/11/2012		(Court only) ***NON-PUBLIC Oral Motion Defendant's Oral Motion for Additional Discovery requested during the hearing on 10/11/12. (jlr) (Entered: 10/11/2012)
10/11/2012	<u>3</u>	Minutes of Proceedings: Preliminary Examination held before Magistrate Judge Janice M. Stewart as to Michael Aaron Jayne.

		Government witness Jason Brown sworn. Order finding probable cause. Order defendant removed to the Western District of Texas. Commitment To Another District signed in open court. Order Denying Defendant's Oral Motion for Additional Discovery. After review by Judge Stewart, this motion/hearing may be reopened if appropriate. Jane Shoemaker present as counsel for plaintiff. Lisa Hay present as counsel for defendant. (Court Reporter n/a) (jlr) (Entered: 10/11/2012)
10/11/2012	<u>5</u>	Order of Detention as to Michael Aaron Jayne by Magistrate Judge Janice M. Stewart signed on 10/11/12. (schm) (Entered: 10/12/2012)
10/11/2012	<u>6</u>	Commitment to Another District as to Michael Aaron Jayne Defendant committed to the Western District of Texas. Defendant request court-appointed counsel. Texas case 1:12-mj-622-AWA-1 (schm) (Entered: 10/12/2012)
10/12/2012	1 <u>4</u>	Motion for Reconsideration re Order on Oral Motion, Preliminary Examination,,,, 3 by Defendant Michael Aaron Jayne. (Hay, Lisa) (Entered: 10/12/2012)
10/12/2012	<u>7</u>	Record Transmittal Letter by Clerk P. Scheneman of Record sent to Western District of Texas at Austin as to Michael Aaron Jayne, case number 1:12-mj-622-AWA-1 (schm) (Entered: 10/12/2012)

AO 94 (Rev. 01/09) Commitment to Another District

UNITED STATES DISTRICT COURT

for the
District of Oregon

United States of America
v.

MICHAEL AARON JAYNE
Defendant

Case No.: 3:12-MJ-000155

Charging District's
Case No.: 1:12-MJ-622-AWA-1

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the WESTERN District of TEXAS.

The defendant may need an interpreter for this language: _____

The defendant: ☐ will retain an attorney.
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of court for this district must transmit any bail and documents to the charging district.

Date: Oct 11, 2012


Judge's signature

PATRICIA M. SULLIVAN
HON. PATRICIA SULLIVAN, U.S. MAGISTRATE JUDGE
Printed name and title

Certified to be a true and correct
copy of original filed in this District.
Dated 10-15-12
Mary L. Moran, Clerk of Court
US District Court of Oregon
By Deputy Clerk [Signature]
Pages 1 Through 1

FILED

UNITED STATES DISTRICT COURT

Western District of Texas

2013 MAR 13 AM 11:48

AUSTIN DIVISION

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

v.

Case Number A-12-CR-401(1)-SS
USM Number 74636-065MICHAEL AARON JAYNE
Alias: Michael A. Jayne

Defendant.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, MICHAEL AARON JAYNE, was represented by Stephen Orr.

The defendant pled guilty to Count 1 of the Indictment on March 13, 2013. Accordingly, the defendant is adjudged guilty of such Count, involving the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count (s)</u>
18 USC 922(g)(1)	Felon in Possession of a Firearm	June 28, 2012	1

As pronounced on March 13, 2013, the defendant is sentenced as provided in pages 2 through 8 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the Court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 13th day of March, 2013.SAM SPARKS
United States District Judge

Defendant: MICHAEL AARON JAYNE
Case Number: A-12-CR-401(1)-SS

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of ONE HUNDRED TWENTY (120) months.

The Court makes the following recommendations to the Bureau of Prisons:

- (1) That the defendant participate in the comprehensive, Residential Drug Abuse Program while he is incarcerated; and
- (2) That the defendant be placed in a federal facility as close to Butner, North Carolina as possible for safety reasons due to prior gang involvement and conflicts with the Hells Angels, Vagos, and Aryan Brotherhood.

The defendant shall remain in custody pending service of sentence.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: MICHAEL AARON JAYNE
Case Number: A-12-CR-401(1)-SS

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of THREE (3) years.

While on supervised release, the defendant shall comply with the mandatory, standard and if applicable, the special conditions that have been adopted by this Court, and shall comply with the following additional conditions:

- X The defendant shall abstain from the use of alcohol and/or all other intoxicants during the term of supervision.
- X The defendant shall submit to an evaluation for substance abuse or dependency treatment as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a program approved by the probation officer for treatment of narcotic addiction or drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants. The defendant may be required to contribute to the cost of the services rendered (co-payment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- X The defendant shall submit to an evaluation for mental health counseling as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a mental health program approved by the probation officer. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- X The defendant shall submit his or her person, property, house, residence, vehicle, papers, [computers as defined in 18 U.S.C. Section 1030(e)(1), other electronic communications or data storage devices or media,] or office to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. Any search must be conducted at a reasonable time and in a responsible manner. The United States probation officer may conduct such a search when a reasonable suspicion exists that the defendant may have violated a condition of supervision or a violation of law.
- X The defendant shall not associate or have any type of contact with members or associates of the Hell's Angels, Vagos, Aryan Brotherhood gang or any prison/street gang with the exception of immediate family members.

Defendant: MICHAEL AARON JAYNE

Case Number: A-12-CR-401(1)-SS

CONDITIONS OF SUPERVISION**Mandatory Conditions:**

- 1) The defendant shall not commit another federal, state, or local crime during the term of supervision.
- 2) The defendant shall not unlawfully possess a controlled substance.
- 3) The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on probation or supervised release and at least two periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant.
- 4) In supervised release cases only, the defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.
- 5) If convicted of a felony, the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- 6) The defendant shall cooperate in the collection of DNA as directed by the probation officer, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. § 14135a).
- 7) If convicted of a sexual offense and required to register under the Sex Offender and Registration Act, that the defendant comply with the requirements of the Act.
- 8) If convicted of a domestic violence crime as defined in 18 U.S.C. § 3561(b), the defendant shall participate in an approved program for domestic violence.
- 9) If the judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of the judgment.

Standard Conditions:

- 1) The defendant shall not leave the judicial district without permission of the court or probation officer.
- 2) The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family obligations, and shall comply with the terms of any court order or order of an administrative process requiring payments by the defendant for the support and maintenance of a child or of a child and the parent with whom the child is living.
- 5) The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time, at home or elsewhere, and shall permit confiscation of any contraband observed in plain view of the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.

Defendant: MICHAEL AARON JAYNE

Case Number: A-12-CR-401(1)-SS

- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications, and to confirm the defendant's compliance with such notification requirement.
- 14) If convicted of a sex offense as described in the Sex Offender Registration and Notification Act or has a prior conviction of a State or local offense that would have been an offense as described in the Sex Offender Registration and Notification Act if a circumstance giving rise to federal jurisdiction had existed, the defendant shall participate in a sex offender treatment program approved by the probation officer. The defendant shall abide by all program rules, requirements and conditions of the sex offender treatment program, including submission to polygraph testing, to determine if the defendant is in compliance with the conditions of release. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- 15) The defendant shall submit to an evaluation for substance abuse or dependency treatment as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a program approved by the probation officer for treatment of narcotic addiction or drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 16) The defendant shall submit to an evaluation for mental health counseling as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a mental health program approved by the probation officer. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 17) The defendant shall participate in a cognitive behavioral treatment program as directed by the probation officer, and if deemed necessary by the probation officer. Such program may include group sessions led by a counselor or participation in a program administered by the probation office. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 18) The defendant shall participate in workforce development programs and services as directed by the probation officer, and if deemed necessary by the probation officer, which include occupational/career development, including but not limited to assessment and testing, education, instruction, training classes, career guidance, job search and retention services until successfully discharged from the program. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 19) If the defendant is excluded, deported, or removed upon release on probation or supervised release, the term of supervision shall be a non-reporting term of probation or supervised release. The defendant shall not illegally reenter the United States. If the defendant lawfully reenters the United States during the term of probation or supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office.
- 20) If the judgment imposes other criminal monetary penalties, it is a condition of supervision that the defendant pay such penalties in accordance with the Schedule of Payments sheet of the judgment.
- 21) If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall provide the probation officer access to any requested financial information.
- 22) If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with the payment schedule.

Defendant: MICHAEL AARON JAYNE

Case Number: A-12-CR-401(1)-SS

The Court further adopts such of the following special conditions applied to the supervised person by the judge at the time of sentencing:

- 1) **Community Confinement:** The defendant shall reside in a Community Corrections Center for a period of ____ months to commence on _____. Further, once employed, the defendant shall pay 25% of his/her weekly gross income for his/her subsistence as long as that amount does not exceed the daily contract rate.

Location Monitoring Program:
- 2) **Radio Frequency Monitoring:** The defendant shall participate in the Location Monitoring Program with Radio Frequency Monitoring for a period of ____ days/months. You shall abide by the rules and regulations of the Participant Agreement Form. During this time, you will remain at your place of residence except for employment and other activities approved in advance by your probation officer. You will maintain a telephone at your place of residence without "caller ID," "call forwarding," "call waiting," "call back/call block," a modem or a portable cordless telephone for the above period as directed by the probation officer. You will wear an electronic monitoring device and follow location monitoring procedures specified by your probation officer. You shall pay all or part of the costs of the program based on the ability to pay as directed by the probation officer.
- 3) **Global Positioning Satellite (GPS):** The defendant shall participate in the Location Monitoring Program for a term not to exceed ____ days/months, which will include remote location monitoring using ____ Active ____ Passive Global Positioning Satellite (GPS) tracking. You shall abide by the rules and regulations of the Participant Agreement Form. During this time, you will remain at your place of residence except for employment and other activities approved in advance by your probation officer. You will maintain a telephone at your place of residence without "caller ID," "call forwarding," "call waiting," "call back/call block," a modem or a portable cordless telephone for the above period as directed by the probation officer. At the direction of the probation officer, you shall wear a transmitter and be required to carry a tracking device. You shall pay all or part of the costs of the program based on the ability to pay as directed by the probation officer.
- 4) **Community Service:** The defendant shall perform ____ hours of community service work without pay, at a location approved by the probation officer, at a minimum rate of four hours per week, to be completed during the first ____ months of supervision.
- 5) **Sex Offender Search & Seizure Condition:** If required to register under the Sex Offender Registration and Notification Act, the defendant shall submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.

Defendant: MICHAEL AARON JAYNE
Case Number: A-12-CR-401(1)-SS

CRIMINAL MONETARY PENALTIES/ SCHEDULE

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth. Unless the Court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. Criminal Monetary Penalties, except those payments made through Federal Bureau of Prisons' Inmate Financial Responsibility Program shall be paid through the Clerk, United States District Court, 501 West Fifth Street, Suite 1100 Austin, Texas 78701.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTAL:	\$100.00	\$0	\$0

Special Assessment

It is ordered that the defendant shall pay to the United States a special assessment of \$100.00. Payment of this sum shall begin immediately.

Fine

The fine is waived because of the defendant's inability to pay.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column above. However, pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. §3614.

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All payment options may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Defendant: MICHAEL AARON JAYNE

Case Number: A-12-CR-401(1)-SS

FORFEITURE

The defendant shall forfeit all right, title and interest to the following firearms seized in connection with his arrest for the instant offense:

A Surplus Ammo & Arms Model LOW 15 semi-automatic rifle, serial no. SA25125;
A Smith & Wesson Model SW9VE semi-automatic handgun, serial no. DTF4447; and
All magazines and ammunition (including both 9mm and .223 cartridges).

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

17 AUG 29 PM 12:14

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY AD CLERK

MICHAEL AARON JAYNE,
Movant,

-vs-

UNITED STATES OF AMERICA,
Respondent.

Case No. A-16-CA-754-SS
[No. A-12-CR-401(1)-SS]

J U D G M E N T

BE IT REMEMBERED on this day the Court entered an order in the above-styled cause, denying Movant Michael Aaron Jayne's Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255. Accordingly,

IT IS ORDERED, ADJUDGED, and DECREED that Movant Michael Aaron Jayne's Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 is DENIED;

IT IS FINALLY ORDERED, ADJUDGED, and DECREED that Michael Aaron Jayne shall pay all costs of suit, for which let execution issue.

SIGNED this the 29th day of August 2017.

Sam Sparks
SAM SPARKS
UNITED STATES DISTRICT JUDGE